

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SURAN WIJE

v.

TEXAS WOMAN’S UNIVERSITY, ET AL.

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CASE NO. 4:14-CV-571
(Judge Mazzant/Judge Nowak)

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On December 12, 2015, the report of the Magistrate Judge (Dkt. #94) was entered containing proposed findings of fact and recommendations that the United States Department of Education’s Motion to Dismiss Plaintiff’s “Fourth Amended Complaint” Pursuant to Rules 12(b)(1), 12(b)(2), 12(b)(5), and 12(b)(6) (Dkt. #79) be granted in part and denied in part.

Having received the report of the Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that the United States Department of Education's Motion to Dismiss Plaintiff's "Fourth Amended Complaint" Pursuant to Rules 12(b)(1), 12(b)(2), 12(b)(5), and 12(b)(6) (Dkt. #79) is **GRANTED IN PART** and **DENIED IN PART**, and Plaintiff's claims against the United States Department of Education are hereby dismissed in their entirety with prejudice for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1) and failure to state a claim under Federal Rule of Civil Procedure 12(b)(6).

IT IS SO ORDERED.

SIGNED this 19th day of January, 2016.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE